

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS**

In re: Ciarcia Construction, L.L.C.

Petition No. 2002-0805-052-002

CONSENT ORDER

WHEREAS, Ciarcia Construction, L.L.C. of Newington, CT (hereinafter "respondent") has been issued license number 002140 to practice as a lead abatement contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400c of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. In or about June 2002, respondent was the licensed lead abatement contractor for a project at 58 Gilbert Road, Meriden, CT (hereinafter "the property"). Said project involved the abatement of toxic levels of lead based paint from interior and exterior surfaces of the residence on the property.
2. While performing lead abatement at the property, respondent employed workers who performed lead abatement activities without the requisite lead abatement worker and/or lead abatement supervisor certificates.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§20-478 and 20-481, taken in conjunction with the Regulations of Connecticut State Agencies, §§20-478-1 and 20-478-2.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-481 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-481 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 002140 to practice as a lead abatement contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure, including, but not limited to, verifying the certification status of all affiliated lead abatement workers and/or supervisors.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. This Consent Order is effective on the date this Consent Order is accepted by the Department.
6. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which its compliance with this Consent Order or with Chapters 400c or 368a of the General Statutes of Connecticut, as amended, is at issue.
7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.

8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
10. Respondent has the right to consult with an attorney prior to signing this document.

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I, Michael Ciarcia, Member and General Manager of Ciarcia Construction, L.L.C., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company. I hereby stipulate and agree to bind Ciarcia Construction, L.L.C. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Michael Ciarcia

Michael Ciarcia
Member and General Manager

Subscribed and sworn to before me this 19th day of November 2002.

[Signature]
Notary Public or person authorized
by law to administer an oath or affirmation

Dennis Alex, Conn. Sup. Ct.

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 19th day of December 2002, it is hereby accepted.

Ellen Blaschinski

Ellen Blaschinski, Public Health Services Manager
Division of Environmental Health
Bureau of Regulatory Services